

United States Court of Appeals
For the Eighth Circuit

No. 13-2067

John E. Peet

Plaintiff - Appellant

v.

Associated Bank, N.A. Mendota Heights; Edina Realty, Inc.; Ken Meinke

Defendants - Appellees

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: February 7, 2014

Filed: February 11, 2014

[Unpublished]

Before BENTON, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

After John Peet was evicted from his apartment in Red Wing, Minnesota, he brought this action claiming defendants had discriminated and retaliated against him in violation of the Fair Housing Act (FHA), 42 U.S.C. §§ 3604(a)-(b), 3617. Defendants moved to dismiss the complaint, arguing that Peet had previously litigated

his claims of discrimination and retaliation in the Minnesota eviction action. The district court¹ granted defendants' motions, and this appeal followed.

Upon careful de novo review, see C.H. Robinson Worldwide, Inc. v. Lobrano, 695 F.3d 758, 763 (8th Cir. 2012) (standard of review), we agree with the district court that Peet's complaint was subject to dismissal. His claims of discrimination and retaliation were litigated and determined adversely to him in state court, and he may not relitigate these issues in federal court. See Ill. Farmers Ins. Co. v. Reed, 662 N.W.2d 529, 531 (Minn. 2003) (elements of collateral estoppel under Minnesota law). Thus he would be unable to establish an FHA claim for discrimination or retaliation. See Gallagher v. Magner, 619 F.3d 823, 831 (8th Cir. 2010) (elements of FHA discrimination claim); Reg'l Econ. Cmty. Action Program v. City of Middletown, 294 F.3d 35, 53-54 (2d Cir. 2002) (elements of FHA retaliation claim).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Susan Richard Nelson, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Jeanne J. Graham, United States Magistrate Judge for the District of Minnesota.